

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

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ORLANDO REYES-GARCIA and his
wife DELIA MORALES CAMACHO

Plaintiffs

CIVIL NO. 98-1057 (JAG)

v.

MUNICIPALITY OF GUAYNABO, et al

Defendants

MEMORANDUM AND ORDER

Plaintiffs have filed a motion seeking reconsideration of the Court's December 14, 2001 Opinion and Order (Docket No. 107) granting defendants' motion for summary judgment. For the reasons set forth below, the Court denies plaintiffs' motion.

A. Standard for Motions for Reconsideration

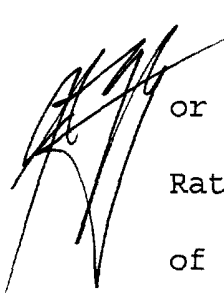
Motions for reconsideration are entertained by courts if they seek to correct manifest errors of law or fact, present newly discovered evidence, or when there is an intervening change in the law. See Jorge Rivera Surillo & Co. v. Falconer Glass Indus., Inc., 37 F.3d 25, 29 (1st Cir. 1994) (citing F.D.I. Corp. v. World University, Inc., 978 F.2d 10, 16 (1st Cir. 1992)); Cherena v. Coors Brewing Com., 20 F. Supp.2d 282, 286 (D.P.R.1998); National Metal Finishing Com. v. Barclaysamerican/Commercial, Inc., 899 F.2d 119, 124 (1st Cir. 1990). Motions for reconsideration may not be used by the losing party "to repeat old arguments

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previously considered and rejected, or to raise new legal theories that should have been raised earlier." National Metal Finishing Com., 899 F.2d 119, 123 (1st Cir. 1990); see also Agola v. Hagner, 678 F. Supp. 988, 991 (E.D.N.Y. 1987); Waye v. First Citizen's National Bank, 846 F. Supp. 310, 314 n. 3 (M.D.Pa. 1994) (a motion for reconsideration is unavailable if it simply brings a point of disagreement between the court and the litigant, or to reargue matters already properly prior thereto disposed); Davis v. Lukhard, 106 F.R.D. 317 (E.D.Va.1984) (a motion for reconsideration cannot be used "to reargue matters already argued and disposed of nor to put additional arguments which could have been made but neglected to make before judgment").

B. Discussion



Plaintiffs' motion does not present newly discovered evidence or contend that there has been an intervening change in the law. Rather, the motion simply reargues matters that the Court disposed of in its November 30, 2001 Opinion and Order. To be sure, plaintiffs disagree with the Court's ruling. That does not entitle them, however, to revisit the issues decided in the summary judgment motion. The Court did not enter summary judgment of its own initiative; rather, it did so after the parties placed it in a position to make a ruling on the merits. Plaintiffs may not use a motion for reconsideration "to repeat old arguments

previously considered and rejected...." National Metal Finishing Com., 899 F.2d at 123.

CONCLUSION

In light of the foregoing, the Court denies plaintiffs' motion for reconsideration. (Docket No. 107.)

IT IS SO ORDERED.

San Juan, Puerto Rico, this 17th day of July, 2002.



JAY A. GARCIA-GREGORY
United States District Judge